

S/N 09/832,753

Page 8

OPEN-001

**REMARKS*****Status of the Application:***

Claims 4–23 are the claims of record of the application. Claims 4–23 have been rejected.

***The Office Action is a non-final Office Action and Correction of Summary Sheet is requested***

In a conversation on March 29, 2005 between the Examiner and the undersigned, the Examiner confirmed that the present office action is a non-final office action. The Office Action Summary Sheet provided with the present Office Action stated that this office action is final. Correction of the Summary Sheet is hereby requested.

***Telephone Interview on January 10, 2005***

Applicants and the undersigned appreciate Examiner's attention and courtesy during the telephone interview held January 10, 2005 between the Examiner and the undersigned. Discussed were the Patent Office's error in previously sending office actions to the wrong practitioner that resulted in an erroneous notice of abandonment. As stated in the Interview Summary of record, the Examiner agreed to withdraw any previous holding of abandonment and issue a non-final office action as soon as practical. The result is the present office action.

***Second Telephone Interview on September 22, 2005***

Applicants and the undersigned appreciate Examiner's attention and courtesy during the second telephone interview held January 22, 2005 between the Examiner and the undersigned. While this was the second telephone interview, it was the first dealing with any substantive issues, such as prior art or the claims. Discussed were Applicants' invention, the Office Action, the cited prior art (Rivette) and how, Applicants assert, the cited prior art differs from the invention, and how, Applicants assert, the prior art does not recite all elements in the independent claims. While no agreement was reached, the Examiner undertook to re-study the cited prior art and look at Applicants' claims, as amended.

***Amendment to the Claims:***

Applicants have amended the claims to include the limitation of claim 5 into claim 4, and similarly amend other claims. Similarly, claim 11 has been incorporated into independent claim 10, and dependent claim 15 has been made an independent claim by incorporating the elements of now cancelled independent claim 14.

The claims have also been amended to further clarify the invention.

S/N 09/832,753

Page 9

OPEN-001

The invention, as previously claimed, is not suggested by the cited prior art, and none of the amendments have been made to overcome rejections of the Office Action, but rather, to more clearly distinguish the claimed invention from that of the cited prior art.

***Claim Rejections -35 USC § 102 and 35 USC § 103***

In paragraph 3 of the Office Action, claims 4–23 were rejected under 35 U.S.C. 102(e) as being anticipated by US Patent 6339767 (hereinafter Rivette).

***Rivette vs. the present invention***

**Rivette is for patent analysis. BOMs are coincidentally stored as they relate to patents**

Rivette describes a system dedicated to patent analysis. The system is for use by a single corporate entity. One aspect of Rivette is analyzing product manufacturing information, e.g., of others' products for patent infringement, and, as is common, such product information is stored in the form of BOMs, e.g., BOMs of corporate entities other than the entity carrying out the analysis, e.g., subsidiaries and/or competitors. The Rivette system provides for analyzing such BOMs representing products as they pertain to patents.

**Applicant invention is for BOM analysis for multiple different owners of BOMs.**

The present invention is directed towards a single system dedicated to storing and maintaining BOMS for a set of different corporate entities, i.e., different customers, and each such customer wishes to keep its confidential information secret from other customers. While systems for storing and maintaining BOMS are known, such a prior-art system is dedicated to a single corporate entity, and thus to storing and maintaining BOMS for the single corporate entity. That's because of the secret nature of BOMs. An owner would typically not want to risk its confidential information maintained on the same system as a competitor's data. An inventive aspect of the present invention is providing a ***shared BOM storage and maintenance service*** to different customers, such that the customers' respective BOMS are ***securely*** stored in a ***single shared*** database. Access to any BOM in the shared database is restricted to the owner of the BOM (and there is more than one owner who so restricts access), and any designated of the owner. There are advantages to having such BOMS in the one shared database compared to using a dedicated system for each customer. Such benefits have proven sufficient to overcome customers' reluctance to store their data in a system that is accessible to another, e.g., to a competitor.

**Both Rivette and Applicants store multiple BOMs of multiple entities on the same system. However, Rivette allows only one entity access to all data.**

S/N 09/832,753

Page 10

OPEN-001

Thus, both Rivette and the present invention include the aspect of storing multiple BOMs in a single system. This aspect is secondary to Rivette, and therefore, Rivette does not include the security aspects included in the present invention and needed when the system is designed for providing access to multiple entities, each having confidential information stored in the system, and each wishing to restrict access to others.

Rivette does provide for access control, but the access control is administered by superusers designated by the one corporate entity for which Rivette is aimed. In the present invention, access control is to provide for different entities to have secure and confidential access within the shared space to the data they own, while other entities are restricted from such access.

Rivette has a single access hierarchy for the one corporate entity. In fact, because Rivette is for carrying out patent analysis, a sensitive subject, a customer of the Rivette system would be hesitant to have that same system be used for patent analysis by another, e.g., by a competitor.

The present invention includes independent access hierarchies, one for each entity owning data, with more than one such entity using the system.

<b>Rivette</b>	<b>Aspect(s) of the present Invention</b>
System is for a single entity. See col. 10, lines 64-65; col. 16, lines 12-39; col. 75, lines 39-44; col. 76, lines 12-13.	System is for multiple entities (owners), each equal to another.
BOMs are of main entity and other entities, but only main entity has <b>total</b> access. A "superuser" is defined.	For each of at least two owners, access to confidential data in any BOM is restricted to the owner of the BOM and any designates of the owner.

*Rejection of the independent claims 4, 10, 15 (was 14).*

As to claim 4, the Examiner asserts that Rivette teaches that "each element in each BOM associated with an owner of a set owners" by equating Applicants' owner with Rivette's corp\_entity\_id. While Rivette does provide for several corporations, they are all stated as having a relationship to a single corporation, the main (primary) corporate entity labeled CORP1 in FIGS. 32, 33, 36, and 38. The Examiner refers to col. 77, lines 25-35, and to col. 74, lines 35-55. Rivette does include provision for more than one corporate entity: there is one and only one corporate entity that owns the system, such a corporate entity also called the **customer**, and also called the PRIMARY\_Corp (see FIG. 12J) and further corporate entities that may be subsidiaries, or competitors, or be otherwise related to the customer.

S/N 09/832,753

Page 11

OPEN-001

**Rivette is for a single entity, not multiple entities**

That Rivette is for a single corporate entity is emphasized in col. 10, lines 64-65: "The present invention is intended to aid a corporate entity in developing business related strategies, plans, and actions." Also in col. 75, lines 39-44: "The corporate entity databases 630 include information on the customer corporation, the corporations associated or affiliated with the customer corporation, and/or corporations that are otherwise of interest to the customer corporation, such as the customer corporation's competitors or potential competitors." Also in col. 76, lines 12-13: "A primary\_corp database 1231 stores the corp\_entity\_id of the customer corporation."

See also Col. 16, lines 12-39 that make clear that in Rivelle, *there is one and only one customer, and such customer has access to the whole system*. As is stated "The customer is an entity (such as a company) that has arranged to have use of the system 302 (by purchasing, leasing, or renting the system 302, for example)." Also "The databases 316 and data contained therein are specific to the customer." The users are all associated with that customer and are, in Rivette called users and operators. (Col. 16, lines 42-47).

Rivette, by being for only one entity, thus teaches away from the inventive aspect of Applicants of there being BOMS with confidential information for a plurality of owners stored together, with access being provided for each of the plurality of owners to such owner's information, and, for each of at least two owners, access to the owner's confidential information being restricted to the owner and any designates of the owner.

**Clarifying that the Applicants invention is for a plurality of owners who each restrict access**

To clarify this distinction, Applicants have added the limitation of claim 5 to claim 4, and re-worded the limitation so that it's clear that for at least two owners, each such owner restricts access to that owners confidential information to the owner and any designateds of the owner.

Applicants concede that several BOMS may be stored in the same database in Rivette, and that these BOMS may be associated with different corporate entities or with the creator of the stored BOM. However, Rivette only describes access to the primary corporate entity (and users it designates). Other entities, e.g., competitors, associated with BOMS stored in Rivette do not have access to the system. In fact, because the purpose of Rivette is for the one customer to determine if there is infringement of patents in any BOM of a different entity, such a different entity would not be expected to be given access to the system.

**Examiner's assertion regarding confidential Information in Rivette**

The examiner asserts that Rivette teaches in col. 39, lines 40-65, that "wherein at least one of the BOMs includes confidential information of the owner of the BOM such that unrestricted access to the confidential information is limited to the owner

S/N 09/832,753

Page 12

OPEN-001

and any designates of the owner of the BOM." Firstly, Applicants have slightly amended this language to clarify that this is true for each of at least two owners. Furthermore, Applicants respectfully disagree that this feature is disclosed in the cited part of Rivette. The cited part of Rivette has a main paragraph that starts with "The commands that make up the enterprise server API according to an embodiment of the invention are described below..." The cited part makes no reference to restricting access to owners.

Perhaps the Examiner meant another part of Rivette. Even then, Rivette does not include this feature. Rivette has one main entity and several other entities that may be subsidiaries or competitors of the main entity. Rivette does have a security mechanism. The security aspects of Rivette are described in detail starting col. 81. Rivette's security databases 636 are shown in FIG. 12K. The security mechanism is described however in terms of users.

#### **Patent may be confidential information**

In the Interview held September 22, 2005, the Examiner stated that patents and patent groups as they relate to a BOM are confidential information. Applicants agree. However, Rivette is for use by only a single corporate entity, and there is total access to at least one user in such an entity.

Note that Rivette also uses the term "owner," but *this use of the term owner is different from the user of the term in Applicants' invention*. For Rivette, an owner is a user who is the creator of any group, e.g., a group of patents. For a corporate entity, the group of patents that, e.g., might infringe one's or another's BOM can certainly be confidential information. Those patents may have different "owners" as used in Rivette. However, in Rivette, this confidential information is confidential only to the entity carrying out the study. As argued, there is only one such entity described in Rivette.

There is also a person table 1242 that represents the person databases 632 and that includes a record of each person of interest to the customer, e.g., past and present employees of the customer, inventors of patents of interest to the customer, employees (past and present) of competitors, etc. There further is an employee table 1243 in the employee databases 634 that includes an entry for each employee of interest (whether or not the employee is an employee of the customer or a competitor, or is a past or present employee). A user\_table database 1238 includes a record for each user (that is, each person having rights to any of the data in the databases 316). These users are each associated with the main corporate entity.

#### **Having one or more superusers of a corporate entity teaches away from Applicants invention**

In Rivette, there also are administrators who are superusers. Again, these are users who are associated, e.g., as employees of the main corporate entity.

S/N 09/832,753

Page 13

OPEN-001

Rivette supports a multi-level security methodology. A first level of this security methodology specifies that the creator of a data item has full access privileges with respect to the data item.

- The security mechanism of Applicants' invention is different because it is aimed as supporting data belonging to different owners, e.g., different corporate entities, residing in a shared system, and providing full access to any owned BOM to the owner of that BOM and any designates of the owner.

Therefore, claim 4 (as amended) is patentable over Rivette.

**Correcting erroneous understanding of Rivette.**

The examiner has made several observations and interpretations of Rivette and what Rivette teaches. For example, with respect to Applicants' claim 10, in the 4<sup>th</sup> paragraph of on page 5 of the Office Action, the Examiner has asserted that Rivette discloses "two of the BOMs associated with respective owners of a set of owners, two or more of the BOMs being associated with a respective owner of the set of owners." In particular, that this is disclosed by (the Examiner states): "Rivette teaches that a BOM group that is titled Video conversions of vide is associated with respective owners Sanyo Electric Co and The United States. Another BOM group that is titled Digital video recorder ope is associated with respective Sonora of a set same owners as such Sonora. Each group of BOM can be represented as a BOM)." Further that Rivette teaches "providing remote access to one or more elements of information in the database to one or more users such that the database may contain two BOMS associated with two different owners" in the form of "...as a user can search patents or BOM groups which are stored in a server 314 via Internet system." The Examiner further wrote, clearly with respect to FIG. 61 of Rivette that there is shown "Where a BOM group that is titled Video conversions of video is associated with respective owners Sanyo Electric Co and The United States. Another BOM group that is titled Digital video recorder ope is associated with respective Sonora of a set same owners as such Sonora. Each group of BOM can be represented as a BOM."

Applicants wish to elaborate that in FIG. 61, Rivette shows a BOM group, the elements of the BOM groups are issued patents. Some of the patents are assigned to Sanyo, while others are assigned to Sonora. This has no relation to the corporate entity that "owns" the BOM of the digital video recorder, but rather are groups of patents that are somehow related to the article represented by the BOM. Recall Rivette is aimed at analyzing products for potential patent infringement, or at least patent relevance. The cited parts of Rivette do not describe the cited part of Applicants' invention.

Thus, to summarize, the cited prior art does not disclose or suggest Applicants' independent claims 4, 10, and 15 (as amended).

Allowance of the claims, or re-examination are requested.

S/N 09/832,753

Page 14

OPEN-001

**Conclusion**

The Applicants believe all of Examiner's rejections have been overcome with respect to all remaining claims (as amended), and that the remaining claims are allowable. Action to that end is respectfully requested.

If the Examiner has any questions or comments that would advance the prosecution and allowance of this application, an email message to the undersigned at [dov@inventek.com](mailto:dov@inventek.com), or a telephone call to the undersigned at +1-510-547-3378 is requested.

Respectfully Submitted,

22 Sep 2005

Date

  
Dov Rosenfeld, Reg. No. 38687

**Address for correspondence:**

Dov Rosenfeld  
5507 College Avenue, Suite 2,  
Oakland, CA 94618  
Tel. 510-547-3378  
Fax: +1-510-291-2985  
Email: [dov@inventek.com](mailto:dov@inventek.com)